



Tfw

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/675,782	
	Filing Date	30 September 2003	
	First Named Inventor	Freitag	
	Art Unit	2653	
	Examiner Name	Heinz, Allen J.	
Total Number of Pages in This Submission	4	Attorney Docket Number	HSJ9-2003-0071US2

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	-Response to Restriction/Election Requirement	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	John J. Oskorep, Esq.
Signature	
Date	17 February 2006

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	John J. Oskorep, Esq.
Signature	
Date	17 February 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Inventor)	Group No.: 2653
)	
Serial No.:)	Examiner: Heinz, Allen J.
)	
Filed:)	Docket No.: HSJ9-2003-0071US2
)	

For: *SPIN VALVE SENSOR HAVING ONE OF TWO AP PINNED LAYERS
MADE OF COBALT*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

In response to the Restriction Requirement mailed on 24 January 2006, please consider the following:

In the mailing of 24 January 2006, a Restriction Requirement was issued for the above-referenced patent application. In particular, the Examiner restricted claims of the application to one of the following inventions:

Group I: Claims 23-30 which are drawn to a method of fabricating a spin valve sensor; and

Group II: Claims 1-22 which are drawn to a spin valve sensor.

In the communication, the Examiner stated that "the article can be fabricated using steps which do not follow the same chronological order of the claimed steps and/or may omit certain step(s)."

In response, the Applicant respectfully disagrees with the Examiner's restriction and traverses the restriction. For one, the method claims of the present application include most if not all of the same or similar limitations of the sensor claims. For example, the method claim 23 includes the limitations "first AP pinned layer," "second AP pinned layer," "antiparallel coupling (APC) layer", "antiferromagnetic (AFM) pinning layer", etc., as do the sensor claims. Further, the Examiner's reasoning assumes that the order of language recitation in method claim 23 dictates the chronological order of the steps of the method. This is not necessarily true, unless the Examiner can otherwise support this assumption. In addition, no steps can merely be omitted or deleted from the claim.

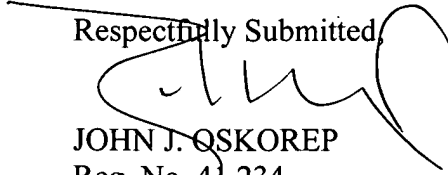
The Applicant respectfully requests the Examiner to reconsider the position taken. In any event, the Applicant elects Group II claims 1-22 with traverse.

Thank you. The Examiner is invited to contact the undersigned by telephone if necessary to expedite this matter.

Date:

19 Feb 2006

Respectfully Submitted,


JOHN J. OSKOREP
Reg. No. 41,234

*JOHN J. OSKOREP, ESQ.
ONE MAGNIFICENT MILE CENTER
980 NORTH MICHIGAN AVENUE, SUITE 1400
CHICAGO, ILLINOIS 60611
Telephone: (312) 222-1860 Fax: (312) 475-1850*